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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/921,959 | 08/02/2001 | Alla Rozenfeld | 04663.P006 | 7659 |
| 21186 | 7590 | 11/16/2005 | EXAMINER | |
| SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH 1600 TCF TOWER 121 SOUTH EIGHT STREET MINNEAPOLIS, MN 55402 | | | PATEL, ASHOKKUMAR B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2154 | |

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|--------------------------------------|---|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 09/921,959 | Applicant(s) ROZENFELD ET AL. | |
| | Examiner Ashok B. Patel | Art Unit 2154 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.


Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


JOHN FOLLANSBEE
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100

Continuation sheet:

§ 103 Rejection of the Claims

Applicant's argument:

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure."

Claim 1 includes the following limitations:

"distributing the customized network connection application to a plurality of end-users..."

"Monachello therefore cannot be said to teach or suggest the above quoted limitations from claim 1 because Monachello describes a network service provider selection that is maintained at a central office and claim 1 requires distributing a customized network application to end-users."

Examiner's response:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

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USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In the office action Monachello was quoted to teach, reiterated here as part of the currently cancelled claim 4, office action page 6, paragraph 21, "Monachello teaches providing the same customized application to a group of workstations associated with a customer (col. 3, lines 17-18)."

Monachello teaches in col. 3, line 11-25, "In one embodiment, dynamic service selection comprises individual service selection or group service selection. Individual service selection allows each workstation user to select one or more NSPs, while group service selection designates one or more NSPs for all users in the group (e.g., all users of a customer premises equipment (CPE)). In one embodiment, dynamic service selection is advantageous in that the selection takes effect without requiring a reboot of the user workstation or the other network equipment. An NSP for purposes herein may be, for example, an Internet Service Provider (ISP), a company headquarters, or a content provider such as, for example, America Online or CompuServe."

And this service selection is made through a GUI at each work station for individual service selection as taught by Monachello at col. 3, line 54-65, "In one embodiment, a web-based application may provide a graphical user interface (GUI), such as, for example, a web browser, for the user perform the service selection. The web browser may be part of a Java application which, when executed, displays a list of NSPs that the user is authorized to use. Using the web browser, the user selects an NSP. For example, if a particular end user decides he or she wants to get to the

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internet through America Online and another decides to do it through PSI Net, the individual end users may select the NSPs and essentially configure the system. In one embodiment, users may bring up an a Java application in a web browser."

Thus, Monachello teaches "distributing a customized network connection application to end-users associated with a customer that provides customization information pertaining to the customized network connection application."

Now let us look at what Mundy teaches. As claim 1 recites, Mundy teaches a method to manage a customized network connection application (Fig. 2 item 30), the method including: receiving at a customization system, the customization information pertaining to the customized network connection application (Fig. 2, items 22 and 24', col. 7, lines 62-65) storing the customization information as a profile associated with the customized network connection application from a customer of the customization system(col. 7, lines 41-49); automatically generating the customized network connection application utilizing the profile (col. 7, line 66-col. 8, line 3-4).

Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Mundy and Monachello to generate a plurality of user interfaces to accept user profile information for customizing a network connection application because they both deal with selecting from a plurality of service providers to provide access to a network. Furthermore, the teaching of Monachello to provide a graphical user interface would provide an efficient way for non computer savvy users to provide the requested profile information.

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As indicated by the Applicant, independent claims 32, 63 and 67 each include a limitation corresponding substantially to the above-discussed limitation of claim 1. Therefore Examiner's response for claim 1 is accordingly also applicable to these independent claims.